

**In the United States District Court  
For the Northern District of Illinois  
Chicago Division**

JOHN GNUTEK, )  
)  
Plaintiff, )  
)  
v. ) Case No.  
)  
ILLINOIS GAMING BOARD, MARK )  
OSTROWSKI, KAREN WEATHERS, ISAAH D. )  
VEGA, VINCENT PATTARA, and CLINTON C. )  
COBB, )  
) **Jury trial demanded**  
Defendants. )

**Complaint**

Now Comes the Plaintiff, JOHN GNUTEK ("Gnutek"), by and through his undersigned counsel, John A. Baker, and in support of his complaint against the ILLINOIS GAMING BOARD (the "IGB"), MARK OSTROWSKI ("Ostrowski"), KAREN WEATHERS ("Weathers"), ISAAH D. VEGA ("Vega"), VINCENT PATTARA ("Pattara"), and CLINTON C. COBB ("Cobb") (from time to time these individuals are referred to as the "Individual Defendants"), states as follows:

**I. Jurisdiction and Venue**

1. Gnutek alleges that the Individual Defendants violated his rights under 42 U.S.C. § 1983, by retaliating against him for engaging in speech protected by the First Amendment. This is a federal statute vesting jurisdiction in this Court under 28 U.S.C. § 1331.

2. Gnutek maintains that the IGB retaliated against him in violations of the anti-retaliation provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3(a). This creates a federal question which vests this Court with jurisdiction under 28 U.S.C. § 1331.



1 law. He is named in his individual capacity and, for the limited purpose of implementing  
2 equitable relief, is named in his official capacity.

3 8. Weathers, at the times relevant to these proceedings, was employed by the IGB  
4 as an EEO Officer. At all times relevant to this lawsuit she was acting under color of law. She is  
5 named in her individual capacity.

6 9. Vega, at all times relevant to this lawsuit, was employed by the IGB as its Deputy  
7 Administrator of Enforcement and reported directly to Ostrowski. At all times relevant to this  
8 lawsuit he was acting under color of law. He is named in his individual capacity.

9 10. Pattara, at all times relevant to this lawsuit, was employed by the IGB as its  
10 Operations Officer and reported directly to Vega. At all times relevant to this lawsuit he was  
11 acting under color of law. He is named in his individual capacity.

12 11. Cobb, at all times relevant to this lawsuit, was employed by the IGB as the  
13 Acting Casino Enforcement Supervisor, Hollywood Casino, Joliet. In this capacity he reported to  
14 Pattara and was Gnutek's immediate supervisor. At all times relevant to this lawsuit he was  
15 acting under color of law. He is named in his individual capacity and, for the limited purpose of  
16 implementing equitable relief, is named in his official capacity.

### 17 **III. Factual Allegations Relevant to All Counts**

18 12. Gnutek was formerly employed by the IGB. He commenced his employment  
19 with the IGB on January 3, 1999, in the position of Revenue Special Agent Trainee.<sup>1</sup>  
20 Throughout the course of his employment with the IGB he also held the following different  
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22 <sup>1</sup> Gntuek was initially employed by the Illinois Department of Revenue. At some point in  
23 time Gnutek, like a number of other employees of the Department of Revenue, were reclassified  
24 as employees of the IGB.

1 positions: Revenue Special Agent, Revenue Senior Special Agent, and Gaming Senior Special  
2 Agent.

3 **Gnutek's history of litigation involving the State of Illinois**

4 13. On June 30, 2006, Gnutek filed lawsuit in the United States District Court  
5 (Northern District of Illinois Case No. 06-cv-3561)<sup>2</sup> alleging that the Illinois Department of  
6 Revenue had violated Title VII of the Civil Rights Act of 1964 (hereafter this case is referred to  
7 as "*Gnutek I*"). Prior to filing this complaint, Gnutek had brought a charge of discrimination with  
8 the EEOC alleging that the Illinois Department of Revenue had violated the Equal Pay Act.

9 14. *Gnutek I* and the EEOC charged that preceded it constituted activity that was  
10 protected under the Civil Rights Act of 1964 and protected Gnutek from retaliation. 42 U.S.C. §  
11 2000e-3(a).

12 15. On November 3, 2006, Gnutek filed a motion in *Gnutek I* seeking leave to file an  
13 amended complaint. Gnutek's proposed amendment was quite detailed and alleged racketeering  
14 activity on the part of William Cellini and Alonzo Monk.

15 16. The District Court in *Gnutek I* denied Gnutek's request for leave to amend  
16 his complaint.

17 17. On December 29, 2006, Gnutek filed a second federal lawsuit, this time in the  
18 Central District of Illinois (Case No. 07-cv-2109) (hereafter this case is referred to as "*Gnutek II*").

19 18. Gnutek filed an amended complaint in *Gnutek II* on March 17, 2008.  
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21 <sup>2</sup> In this lawsuit Gnutek identifies several previous lawsuits he has previously brought in  
22 federal court and one matter that was before the United States Court of Appeals for the Seventh  
23 Judicial Circuit. Rather than attaching copies of all of the documents related to those  
24 proceedings that he references herein, those documents, which are all a matter of public record  
and available on PACER are incorporated by reference.



**Gnutek's discipline relevant to this complaint**

27. On February 3, 2015, the IGB suspended Gnutek from his employment without pay.

28. On February 27, 2015, the IGB terminated Gnutek's employment.

29. There was no legitimate reason for Gnutek to be suspended or for his employment to be terminated.

**Count I**

*Title VII retaliation as to the IGB*

30. Paragraphs 1-29 are incorporated herein.

31. Gnutek's actions described in paragraphs 13 and 14 are protected under the anti-retaliation provisions of Title VII.

32. By suspending Gnutek without pay and subsequently terminating his employment the IGB has retaliated against Gnutek in violation of his rights under Title VII.

33. Had Gnutek not had a history of opposing unlawful actions under Title VII his employment would not have been suspended nor would it have been terminated.

34. On or about August 24, 2015, Gnutek filed a charge of discrimination with the United States Equal Employment Opportunity Commission (charge 21B-2015-02220) alleging that the termination of his employment violated his rights under the anti-retaliation provisions of Title VII.

35. On December 9, 2016, Gnutek received a notice from the EEOC that it was terminating the processing of his charge and that he could bring a lawsuit in federal court within 90 days.

36. This complaint is being brought within 90 days of Gnutek's receipt of his right-to-

1 sue notice.

2 37. As a result of the actions outlined in this complaint, Gnutek has sustained both  
3 economic damages and non-economic damages. These have been in the form of lost wages, lost  
4 benefits, and emotional distress.

5 Wherefore, Gnutek respectfully requests that this Court enter judgment in his favor and  
6 against the IGB and provide the following relief:

7 (A) Enter an order finding that Gnutek's rights were violated under 42 U.S.C. § 2000e-3.

8 (B) Issue equitable relief that reinstates Gnutek to the position of employment with the  
9 IGB that he would have held absent the retaliatory actions taken against him.

10 (C) Issue an order awarding Gnutek his damages to compensate him for both economic  
11 and non-economic damages he has sustained.

12 (D) Issue an order awarding him punitive damages to the extent permitted by law.

13 (E) Issue an order directing the IGB to pay Gnutek's reasonable attorney fees associated  
14 with bringing this lawsuit.

15 (F) Other relief that this Court deems appropriate under the circumstances.

16 **Gnutek requests that this claim be tried by a jury**

17 **Count II**

18 *First Amendment retaliation as to the Individual Defendants*

19 38. Paragraphs 1-29 are incorporated herein.

20 39. The proposed amendment in *Gnutek I* and the filing of *Gnutek II* constitute  
21 actions that are protected by the First Amendment to the United States Constitution.

22 40. At the time the events in this lawsuit transpired, the Individual Defendants were  
23 all aware of the actions Gnutek had taken to pursue the proposed amendment in *Gnutek I* and

1 the filing of *Gnutek II*.

2 41. Each of the Individual Defendants, with the exception of Weathers, were in  
3 Gnutek's supervisory chain of command at the time he was suspended and at the time that his  
4 employment was terminated.

5 42. Each of the Individual Defendants was involved in the decisions to suspend  
6 Gnutek from his position of employment and to subsequently terminate his employment.

7 43. The Individual Defendants have engaged in a retaliatory witch hunt against  
8 Gnutek because he has spoken out on matters of public concern. The concluding point of this  
9 retaliatory witch hunt was his suspension and termination.

10 44. Had Gnutek not engaged in activity protected by the First Amendment his  
11 employment would not have been suspended nor would it have been terminated.

12 45. In retaliating against Gnutek for speaking out on matters of public concern, the  
13 Individual Defendants have violated his rights under the First Amendment to the United States  
14 Constitution.

15 46. As a result of the violations of his rights under the First Amendment, Gnutek has  
16 sustained damages. These damages have been both monetary and non-monetary.

17 Wherefore, Gnutek respectfully requests that this Court enter judgment in his favor and  
18 against the Individual Defendants and provide the following relief:

19 (A) Enter an order finding that Gnutek's rights under the First Amendment were  
20 violated.

21 (B) Issue an order to Ostrowski directing that Gnutek be reinstated to the position of  
22 employment with the IGB that he would have held absent the retaliatory actions taken against  
23 him.



1 (C) Issue an order awarding Gnutek his damages to compensate him for both economic  
2 and non-economic damages he has sustained.

3 (D) Issue an order awarding him punitive damages to the extent permitted by law.

4 (E) Issue an order directing the Individual Defendants to pay Gnutek's reasonable  
5 attorney fees associated with bringing this lawsuit.

6 (F) Other relief that this Court deems appropriate under the circumstances.

7 **Gnutek requests that this claim be tried by a jury**

8 **Count III**

9 *Illinois Ethics Act as to IGB and Individual Defendants*

10 47. Paragraphs 1-29 are incorporated herein.

11 48. The Ethics Act provides that it is unlawful to take "retaliatory action against a  
12 State employee because the State employee . . . [d]iscloses or threatens to disclose to a supervisor  
13 or to a public body an activity, policy or practice of any officer, member, State agency, or other  
14 State employee that the State employee reasonably believes is in violation of a law, rule, or  
15 regulation." 5 ILCS 430/15-10.

16 49. The proposed amendment in *Gnutek I* and the filing of *Gnutek II* constitute  
17 actions that are protected under the Ethics Act.

18 50. Had Gnutek not engaged in these activities protected under the Ethics Act he  
19 would not have been suspended and his employment would not have been terminated.

20 51. The IGB and the Individual Defendants all knew that he had engaged in activities  
21 protected by the Ethics Act.

22 52. In retaliating against Gnutek for speaking out on matters protected by the  
23 Ethics Act, the IGB and the Individual Defendants have violated his rights under that law.

